HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition no. 914 (S/S) 2005

Om Prakash Sharma S/o Sri Srikrishna Sharma,
At present working as Assistant Teacher
(L.T. Grade) Language,
Govt. Inter College, Kotdwar,
District Pauri Garhwal. -----Petitioner.

Vs.

1. State of Uttaranchal through Education Secretary,
Uttaranchal Shasan, Dehradun,
2. Director, Madhyamik Education,
Uttaranchal, Mayur Vihar, Dehradun,
3. Addl. Director, Madhyamik Education,
Uttaranchal, Mayur Vihar, Dehradun,
4. Joint Director of Education,
Garhwal Mandal, Pauri,
5. District Education Officer, Pauri Garhwal,
6. Principal, G.I.C. Kotdwar,
Pauri Garhwal. ------Respondents.

Sri M.C. Kandpal, learned Senior Counsel for the petitioner.
Learned Standing Counsel for respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Kandpal, learned Senior Counsel for the petitioner and learned Standing Counsel for respondents.

The petitioner, who was posted at L.T. Grade Teacher at Govt. Inter College, Kotdwar, district Parui Garhwal, has challenged the transfer order dated 30.06.2005 by which he has been transferred from Govt. Inter College Kotdwar, Pauri Garhwal to Govt. Inter College, Kandakhal (Kodia), district Pauri Garhwal.

The petitioner has attacked the transfer order on the ground that the Govt. of Uttaranchal has already issued a policy decision to the effect that the teacher who have completed 55 years of age should not be disturbed. According to the

petitioner, at present he has attained 57 years of age, but has been transferred inspite of the aforesaid policy decision.

This Court on 18.07.2005 granted on week time to learned Standing Counsel to seek instructions. Today learned Standing Counsel has submitted that he has not yet received instruction from the Department.

In the circumstance narrated above it is expedient in the interest of justice that the petitioner be permitted to make representation to the Authority Concerned who shall decide the representation of the petitioner within a particular period.

Accordingly, the petitioner is directed to make representation to the Competent Authority i.e. the District Education Officer, Pauri Garhwal within a period of 10 days from today who shall decide the same within two weeks from the date of its receipt. Till the decision is taken on the representation by the District Education Officer, the petitioner shall not be relieved, if he has yet not been relieved.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

July 26, 2005:
NCM: